

SUFFOLK COUNTY LEGISLATURE

ORGANIZATIONAL MEETING

FIRST DAY

JANUARY 3, 2006

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE

**BUILDING IN THE ROSE Y. CARACAPPA LEGISLATIVE
AUDITORIUM**

**725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW
YORK**

MINUTES TAKEN BY

LUCIA BRAATEN, COURT STENOGRAPHER

[THE MEETING WAS CALLED TO ORDER AT 9:57 A.M.]

LEG. CARACAPPA:

I'd ask everyone, please, to try and find a seat. And if you cannot find a seat, I'll ask you, please, to retreat into the lobby. There are speakers out there. So I'd ask the Deputy Sheriffs to assist in that so that we can move the agenda along. Okay. If we could •• if you're standing in the aisle now, I'd have to ask you just to just back on out to the lobby, please. Okay. Thank you very much. Mr. Clerk, would you please do the roll.

MR. BARTON:

Good morning, Mr. Chairman.

(Roll Called by Mr. Barton)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

Here.

LEG. VILORIA • FISHER:

Present.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D' AMARO:

Here.

LEG. COOPER:

Here.

MR. BARTON:

18 present, Mr. Chairman.

LEG. CARACAPPA:

Thank you, Mr. Clerk. Will everyone please rise for a salute to the flag. Today it will be led by Phil _Areto_ , past Commander and Trustee of the VFW Post 9486 of Ronkonkoma.

[SALUTATION]

Everyone, please remain standing. I'd like to introduce Elizabeth _Hagsted_ , a graduate of Sayville High School, 2004, currently a student, University of Miami, studying musical theater, and she's going to sing the Star Spangled Banner for us.

[ELIZABETH _HAGSTED_ PERFORMED THE STAR SPANGLED BANNER]

[APPLAUSE]

Well done. Thank you. Well done, well done. Would everyone please remain standing as I introduce Rabbi A. Steven Moss from the Reform Temple in Oakdale. Rabbi.

RABBI MOSS:

Let us join together in prayer. Dear God, at this beginning of the new year, 2006, we ask your blessings upon each one of us here this morning, our family members, communities, our nation, and all humankind. May 2006 be a year when the dark clouds of war, terrorism, fear, poverty, devastation that hang over so many places in our nation and throughout the world be dispelled, at least in part, so that people can have the hope that tomorrow can be better than today. Surely we ask your blessings upon the men and women throughout the world, and particularly in the Middle East who are there, giving up their lives, risking their lives, their very well-being for the sake of humankind, humanity, and for our United States of America and the ideal of democracy. And at this morn, as this morning, we have gathered to inaugurate this new Legislative year here in Suffolk County, we surely ask your blessings upon these 18 Legislators of the Suffolk County Legislature, as the number 18 in the Hebrew tradition is symbolic of life. We pray that these men and women, as they deliberate in this room and in their committees, always be mindful of the quality of the life of the residents of Suffolk County, and may all that they be •• that they do be cone effective, in a positive way, this quality. May they be imbued with wisdom for the decisions that they will make this day and every day. May their hearts be filled with a sensitivity and care for all the citizens of our County, their needs, their hopes and their dreams. And may their souls always be open to your ultimate, Lord, Dear God, a law that transcends all the separateness that can divide us, and truly unites

all in oneness, the oneness of humanity through the oneness of God. May your divine spirit fill these men and women as it did the mind, voice and body, heart and soul of those who advised Moses, the first Legislator, so that our wonderful County may go from strength to strength, from blessing to blessing. We ask your blessings upon the outgoing Legislators for their service to our County, to those to be sworn in today. We ask your special blessings upon the new Presiding Officer and Deputy Presiding Officer as well, and bless also those to be sworn in today to District Attorney, Sheriff, Treasurer and Clerk. Bless all of them with success, for their success is ours as well. May the Lord bless us and keep us. May God watch over us and protect us, blessing us with health, happiness and peace. Amen.

LEG. CARACAPPA:

Okay. Would everyone please be seated. Welcome, everybody. Happy New Year, and welcome to the Organizational Meeting of the Suffolk County Legislature, 2006. Those of you who are wondering why I'm chairing still, I am acting Chair and leaving this post in just a few moments. But first, what we're going to do is introduce Suffolk County Court Judge Andrew Crecca to please come forward, along with, first, District Attorney Thomas J. Spota for the oath of office of District Attorney.

[JAMES J. SPOTA WAS SWORN IN AS DISTRICT ATTORNEY OF SUFFOLK COUNTY BY THE HONORABLE ANDREW CRECCA]

[APPLAUSE AND STANDING OVATION]

LEG. CARACAPPA:

Congratulations, District Attorney Spota.

MR. SPOTA:

Thank you.

LEG. CARACAPPA:

Judge Crecca, you're ready and available again? I'd ask the Honorable Vincent DeMarco to step forward to take the oath as Sheriff of Suffolk County.

[VINCENT DEMARCO WAS SWORN IN AS SHERIFF OF SUFFOLK COUNTY BY THE HONORABLE ANDREW CRECCA]

[APPLAUSE AND STANDING OVATION]

LEG. CARACAPPA:

Congratulations, Sheriff DeMarco. I would ask the Honorable Angie Carpenter to step forward to be sworn in as Treasurer of Suffolk County.

[ANGIE CARPENTER WAS SWORN IN AS TREASURER OF SUFFOLK COUNTY BY THE HONORABLE ANDREW CRECCA].

[APPLAUSE AND STANDING OVATION]

LEG. CARACAPPA:

Congratulations, Treasurer Carpenter.

MS. CARPENTER:

Thank you.

LEG. CARACAPPA:

At this point, I'd like to ask Acting Suffolk County Clerk, Judy Pascale, to please step forward to swear in the new 2006 Legislature as a whole. I'd ask all Legislature to please stand and follow the instructions of Madam Clerk.

[THE LEGISLATURE WAS SWORN IN BY ACTING SUFFOLK COUNTY CLERK, JUDY PASCALE]

[APPLAUSE]

LEG. CARACAPPA:

Ladies and Gentlemen, your Legislature for the Year 2006•2007.
Congratulations to you all.

[APPLAUSE]

At this point, each Legislator will follow around the edge of the horseshoe, or however you're comfortable, to sign the book and your certificate, which will have to take place first before we move on with any other business, so a brief interlude.

Thank you, Madam Clerk. I'd ask everyone again, please find their seats and bring order as we move to the next item on our agenda. The next item on our agenda today is the election of a Presiding Officer. Are you ready, Legislator Lindsay?

LEG. LINDSAY:

I'm ready.

LEG. CARACAPPA:

I'm going to have to let you •• make you wait one last minute, if you will allow. I would like to ask everyone's indulgence for just about a minute here. I don't want to keep Legislator Lindsay from taking his chair for a moment longer, but I would like to just say a few brief comments as it relates to my term as Presiding Officer, my two terms as Presiding Officer.

It has been such an honor to serve as the leader of this incredible Legislative body. And as Legislator Lindsay will quickly find out, it is a highly demanding post, and in order to do it effectively, you must be fair and balanced in your approach. I hope that you all feel that I did just that.

Also, I would urge my colleagues, both new and returning members, to embrace the long-standing traditions of this Legislative body. If you were to choose just one of those traditions, I would hope that you would embrace the one most vitally important to the success of this body, and, of course, I'm talking about staying and being a co-equal branch of County government, one that has always prided itself on its independence and bipartisan approach in serving the people of Suffolk County. It will become clear to each of you, if it has not already, the importance of sticking together. The successful representation of your constituents truly depends on that. It is something that I tried to do as Presiding Officer, and will most likely be the most difficult challenge that lies ahead for the new Presiding Officer.

Regardless of the political landscape, remember to respect and stand up for one another. But, more importantly, stand up for this body and what she has always stood for. Stand by Presiding Officer Lindsay and Minority Leader Losquadro, as I'm sure they will both fight for this Legislative body and its longstanding traditions.

Lastly, I would like to thank all of those who worked alongside of me over the last two years. Of course my staff and the PO's Office, all of them all who have been devoted and dedicated employees of this

Legislature. To Counsel, Mea Knapp, and her staff, I cannot thank you enough for your professionalism and your dedication to this body. Gail Vizzini and Budget Review Office, thank you for all that you have done. And last, but not least, Clerk, Henry Barton, my friend, who has done an incredible job over the last ten years. You and your staff have treated each of the district offices in a wonderful way and we owe a lot to you. And to you, I'd like to say personally, job well done, and you will be missed. Also, I would like to congratulate all of the incoming office holders and staff members. I look forward to working with each and every one of you.

Now I will go back to my Fourth District chair, the place where I was most comfortable, to serve out my final two years as a member of this body. And at my ripe old age I now become the "Dean" of the Legislature, or the longest serving member. It has been a true privilege and I thank you all for this incredible honor that you've bestowed upon me as being the Presiding Officer. It is something I will never ever forget. So, with that being said, I would now like to entertain motions for the election of Presiding Officer.

[APPLAUSE AND STANDING OVATION]

Thank you all very much. Thank you. Do I hear a motion?

LEG. MONTANO:

Motion.

LEG. CARACAPPA:

Is there a motion? Motion by Legislator Montano. What is that motion, sir?

MR. MONTANO:

Legislator Caracappa, thank you for recognizing me today. It is my honor to put forward the nomination of Legislator William J. Lindsay for the position of Presiding Officer of the Suffolk County Legislature.

First, though, let me state this. When I was elected to this body two years ago in 2003, if you recall, Legislator Caracappa, I abstained on my first vote when you were elected Presiding Officer of this body. The reason I did so was I felt as a member of the Minority Party that the decision was best left to the Majority. The second year when you were renominated I voted for you, and I voted for you because of the great job you performed as Presiding Officer. In the two years that I have served as Legislator, you have always treated me with the utmost respect and you have been gracious in your support. You have appointed me to important committees and we have worked well together. I am proud that you and I have cosponsored various pieces of legislation. And thank you for your leadership and friendship these past two years.

LEG. CARACAPPA:

Thank you.

LEG. MONTANO:

However, this past November, the voters of Suffolk County decided to move in a new direction by electing a Democratic majority to lead us into the future. What better person to assume this mantle of

responsibility than Legislator Bill Lindsay, who represents the Eighth Legislative District.

Over the years, Legislator Lindsay has built a reputation for his quiet, yet forceful, leadership to get things done. His philosophy is not to overcomplicate our citizens' lives with burdensome regulations, but instead to be there to help them maneuver the complexities of government, whether it be at a local, state, or federal level. Bill believes in listening to the needs of the communities he represents and to bring the assets to fulfill those needs. Whether it be securing funding for downtown improvements, purchasing environmentally sensitive land, moving to increase the availability of affordable housing, or leading the charge of working men and women as a renowned labor leader, Legislator Lindsay has made his mark.

Legislator Lindsay was first elected to the Legislature in a special election March 2001 to fill the remainder of the term when Steve Levy was elected to the State Assembly. Bill went on to win re-election in November 2001, 2003, and 2005. For the past year he has served as a Minority Leader of the Democratic Caucus, while also serving on the Public Safety and Public Information Committee, Budget and Finance Committee, Consumer Protection Committee, Parks and Cultural Affairs Committee. He was a Democratic representative to the joint Executive/Legislative Task Force on Land Acquisition and on a special committee to investigate the Suffolk County Water Authority, as well as working on the Operating Budget Group. It has been my pleasure to be seated next to Legislator Lindsay for the past two years and to have followed his leadership.

I hereby move the nomination of Legislator William J. Lindsay to the
•• to be the Presiding Officer of the Suffolk County Legislature for the

term of 2006•2007.

LEG. CARACAPPA:

There is a motion to elect Legislator Bill Lindsay to Presiding Officer.
Do I hear a second?

LEG. VILORIA•FISHER:

Second.

LEG. CARACAPPA:

I recognize Legislator Vilorina•Fisher for that second.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. First and foremost, I'd like to remind you how much I missed you sitting at my right for the past few years. That being said, however, I appreciated the work that you did as Presiding Officer. I respect you as a person and I respect you as a leader. You certainly brought a great deal of dignity and class to that position and I thank you for that. You've served this Legislature and the people of Suffolk County very well during your tenure as Presiding Officer.

LEG. CARACAPPA:

Thank you.

LEG. VILORIA•FISHER:

I would like to second the nomination of Bill Lindsay. Bill Lindsay took on a leadership role I believe the day that he became a Legislator. He hit the ground running. In his quiet and yet forceful manner, he has certainly risen to •• through the ranks to a person who led the Minority Caucus and now is being •• his name is being put before us for Presiding Officer of this Legislature. I believe that Legislator Lindsay's greatest asset is his ability to listen and to consider carefully before he makes a decision. He has used this ability to help to bridge the differences among Legislators between the two caucuses, and between this Legislature and The County Executive's Office. And although he has created that bridge, he has also fully supported the integrity and independence of this Legislative body. I believe that Bill Lindsay will be a strong leader and he will bring the kind of respect and dignity to that position that it requires. I am very privileged to second the nomination of Bill Lindsay as Presiding Officer.

LEG. CARACAPPA:

There's a motion and a second. Anybody else on that motion?

LEG. COOPER:

I'd also like to make a motion, please.

LEG. CARACAPPA:

On the motion, Legislator Cooper.

LEG. COOPER:

Thank you, Legislator Caracappa. Over the past six years I've had the great pleasure of serving under three very different, but equally

talented and committed, Presiding Officers. First one was Paul Tonna, who is a very dear personal friend of mine, the second one being Maxine Postal, a woman who I loved and respected very much, and who many looked up to as the conscience of the Suffolk County Legislature. And most recently under Joe Caracappa, a man who won respect of all for his proven leadership abilities and his fair and balanced and professional manner. But the new year has brought a new majority, and with that, the prospect of a new Presiding Officer.

Over the past few years I've gotten to know Bill Lindsay very well, particularly the past year when he served as Democratic Minority Leader. I know Bill to be extremely intelligent, articulate, impassionate. He's a man of great personal honesty and integrity. And I know that Bill will serve in the proud tradition of our recent Presiding Officers. I also know that Bill shares my belief in the value of bipartisan cooperation, and I can think of no one better suited to be able to reach across the aisle to build support for our good government agenda over the coming year. So, for those reasons, it's my great personal honor to join in seconding the nomination of Bill Lindsay for Presiding Officer of the Suffolk County Legislature.

LEG. CARACAPPA:

Thank you, Legislator Cooper. I recognize Legislator Mystal.

LEG. MYSTAL:

I am not going to say anything, so you don't need my second, and I'm not going to say much about Bill, because I reserve judgement on you until the year is over, you know me. But I do want to say something about the outgoing Presiding Officer. I would not be sitting here were it not for Mr. Joe Caracappa, that's number one. Number two, and I may be choking a little ••

LEG. CARACAPPA:

Me, too.

LEG. MYSTAL:

•• I am very proud to see that picture next to another picture. And I think one of the things that Maxine would have wanted to see was

Mr. Joe Caracappa being Presiding Officer of this Legislature. Joe, I'll miss you, she'll miss you, and I'll miss everybody around. Thanks.

LEG. CARACAPPA:

Thank you, Elie. It's my great honor to be up there next to Maxine for many, many more years to come. She was a dear friend to us all and she's here today. Anybody else? Hearing none, I'd ask for a roll call.

(Roll Called by Mr. Barton)

LEG. MONTANO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

17.

LEG. ROMAINE:

Before the vote is called by the Clerk, I'd like to change mine to a yes to make it unanimous.

LEG. LINDSAY:

Thank you.

LEG. CARACAPPA:

The vote is unanimous.

MR. BARTON:

18.

LEG. CARACAPPA:

Congratulations, Presiding Officer Lindsay.

[APPLAUSE AND STANDING OVATION]

I'd ask Justice Crecca to please come up. Judge Andrew Crecca will now administer the oath of Presiding Officer to the new Presiding Officer, William Lindsay. Of course, please invite up all of your family, Presiding Officer Lindsay.

[WILLIAM J. LINDSAY WAS SWORN IN AS THE PRESIDING OFFICER OF THE SUFFOLK COUNTY LEGISLATURE BY THE HONORABLE ANDREW CRECCA]

[APPLAUSE]

LEG. CARACAPPA:

Congratulations.

[APPLAUSE]

P.O. LINDSAY:

Thank you very much. Thank you, everyone, for your applause. And to Joe, there is advantages to being the Presiding Officer. For one

thing, I have a seat. There's a lot of people in the back. I apologize that there aren't enough seats in the auditorium, but I thank you all for being here.

In everyone's life there are certain moments that we all recall vividly, weddings, and births, and deaths, and celebrations, and tragedies such as the World Trade Center being attacked, and, of course, professional and personal achievement. This is that type of moment for me. I'll remember this moment for the rest of my life.

I have a tremendous amount of respect for this institution, and I've always been proud to be a Suffolk County Legislator. And I thank my colleagues for this extreme honor of electing me to be the seventeenth Presiding Officer of this noble institution. But I wanted to ask you, Joe, was that picture taken recently or was that taken two years ago?

LEG. CARACAPPA:

Recently.

P.O. LINDSAY:

Recently, okay. You look pretty good, you don't look too bad.

LEG. CARACAPPA:

Under the circumstances.

P.O. LINDSAY:

I look around this horseshoe this morning and there's no doubt about it, this is a new Legislature, but, yet, there are some similarities. Most Legislative bodies across this country are dominated by attorneys. That isn't the case here this morning and it never has been here. Although we have two very distinguished attorneys joining our ranks this morning, and there's two or three other attorneys already here as incumbents, but we have people from very diverse backgrounds. We have an electrician, and a union leader, an equipment operator, an insurance broker, several teacher, a social worker, a businessman, a bus driver, and even a tax collector. Almost sounds biblical, huh? It's a shame we don't have a shepherd, you know. Men and women, several of Hispanic heritage, a black man, and three of us were not born in this country, but migrated here and have gained the trust of their communities to be elected to public office. Ladies and Gentlemen, when you look around this horseshoe this morning, you're looking at the face of Suffolk County. In that diversity is our strength and the strength of our communities.

This institution has a reputation of innovative legislation that has been adopted by other counties, by our state and other states, and by the nation. Our Land Acquisition Program, the bottle bill, the smoking cessation legislation, the cell phone ban, are just a few of these initiatives. Our role and challenge collectively is to see that that spirit and tradition is continued over the next two years. That task is not going to be easy. This is very much an institution in transition.

Since I entered this chamber a little less than five years ago, 14 of the 18 Legislators I started with have left. Just two weeks ago seven Legislators at this horseshoe said their farewells. Those seven had a combined institutional knowledge of 71 years. And today, for the

first time in 30 years, the majority in Suffolk •• in the Suffolk County Legislature has changed from Republican to Democrat. And I want to take a moment to comment about that.

Two months ago we finished a very tough, hard fought election in this County. And the message I have for each and every one of us, and I include myself, is the election's over, we should all check our blatant partisanship at the door, and that goes for both sides of the aisle. It's time to demonstrate to the people of Suffolk County that we can govern. The people of Suffolk County want government to work. They don't care about party labels. Don't misunderstand what I'm saying, there is always a place for the loyal opposition. That's what causes dialogue and debate and makes democracy work. But around here, the naysayers doesn't always come from the Minority Party, and that's also a longstanding tradition as well.

More than 25 years ago I remember vividly the then County Executive, John V.N. Klein, calling the Suffolk County Legislature the "Dodge City" of politics, you could get shot from either side of the aisle. And if you don't think that still exists, ask Steve Levy. The point is that the loyal opposition isn't generated at the direction of a party leader or a caucus leader, the issues before us generates that questioning. And that is what the people of Suffolk County want, transparent, open government that's based on issues. And I'll do everything in my power to keep that tradition of open and at times rough and tumble government alive in Suffolk County, because free thinking ideas combined with lively debate, both pro and con, produces good legislation for the people that we represent.

Over the last few weeks I've been asked repeatedly where am I going to take this body, or what is my agenda, and I have consistently

answered it the same way, "It isn't my agenda, it's our agenda." I'm one of 18. My role over the next year is to lead this body through an aggressive agenda, and to make sure that each and every bill has an opportunity to be examined and voted on. Having said that, there are a series of bills that are being laid on the table this morning, hopefully, that will dramatically change Suffolk County government as it exists today. Many of those bills are being introduced by myself at the request of the County Executive Levy. They will continue the County Executive's agenda of reshaping the County government along smart government principles of working more efficiently, being more consumer friendly, and we should never forget that our consumers are the citizens of this County and saving the taxpayers money.

Also on the agenda is a series of appointments of boards and quasi government agencies that look very innocuous, but will have dramatic effect on the citizens of Suffolk County. The proposed appointees will add professionalism to these respective bodies and ultimately save the taxpayers of Suffolk County hundreds of thousands of dollars.

I'd like to address one other issue and put it to rest immediately. It's being said that now that the majority is the same party as the County Executive, we will become a rubber stamp. That's not true. We are successful in Suffolk County because of independence of the two branches of government, and I will protect the independence of this Legislature to the best of my ability. And in preliminary caucus of the new majority, I can tell you that even the new Legislators have already displayed a streak of independence, some of it bordering on stubbornness. Somebody must have let them drink the water around here.

At any rate, it's time to go work and we're not going to waste any time. In a few minutes we will be voting on the calendar, which has the first working meeting of the new year in two weeks. If approved, the committee week will be next week, and committee assignments will be distributed tomorrow. I apologize for talking so long. This is probably the longest I've spoke since I've been here. The only excuse I have is I sat next to Brian Foley for four•and•a•half years and it probably rubbed off on me a little bit.

In conclusion, I just want to add my thanks to Joe Caracappa for his help and cooperation in this very difficult transition. And, Joe, I especially salute you for the job you've done here for the last two years. Some of the changes that you have implemented have streamlined our meetings and have made them more friendly and accessible to our citizens.

And to my colleagues, I thank you for your support today, and I look forward to your support in •• as the year goes on. My friends and supporters in the audience, thank you for your belief in me. And I would certainly be remiss if I didn't thank our old colleague, the Honorable Andrew Crecca, for coming here this morning and swearing us in. I thank the County Executive for gracing us with your presence here this morning. Thank you very much. I believe Assemblywoman Eddington is in the audience. Hi, Pat. Thank you for being with us. I think you had a vested interest here this morning, too.

And, you know, when we have the organization day, as you can see, people come far and wide from all over this county, but we have six people that came from Ireland this morning to see Kate Browning sworn in, and I salute them and thank them.

[APPLAUSE]

And last, I want to thank my family for being with me this morning, my wife Pat, my son Bill, and my daughter Denise, and my sister Betts is here, and my brother•in•law Bob. Thank you very much for being here this morning and always being there for me through good times and bad.

And just in conclusion, this is about democracy this morning, and I just want everybody to remember that a lot of our young people are in harm's way this morning in another far off country, and just keep them in your thoughts and prayers. And after the meeting is over, there will be a reception in the lobby. Thank you. Fellow Legislators, it's time to go to work.

[APPLAUSE]

Okay. We're up in the program to nominations for Deputy Presiding Officer. The Chair recognizes Legislator Cooper.

LEG. COOPER:

Thank you, Presiding Officer Lindsay. I would like to make a motion to nominate Vivian Vloria Fisher to fill the position of Deputy Presiding Officer. I've known Vivian throughout my entire career as a public servant. Vivian is currently the Dean of the Democratic Caucus. She has six months over me, I think. She is also the first

Hispanic woman to serve in the 30 year history of the Suffolk Legislature. And she's a person with unsurpassed institutional knowledge. I believe that Vivian has served on virtually every committee of the Legislature over the past six•and•a•half years. She's cosponsored many of my most important initiatives, just as I've cosponsored many of her important initiatives, and there have been many. I have great respect for Vivian as an individual, as an elected official. She's extremely passionate, extremely bright, extremely hard working, and for those reasons and more, I think she would make a wonderful Deputy Presiding Officer. And once again, I would like to make a motion to nominate Vivian for that position.

P.O. LINDSAY:

Okay. The Chair is going to take the liberty of recognizing myself. I would like the pleasure of seconding Legislature •• Legislator Fisher for the post of Deputy Presiding Officer. Vivian has •• Vilorina•Fisher, has been •• has suddenly become the Dean of the Legislature. Next to Joe, I think you're probably the longest serving ••

LEG. CARACAPPA:

Cameron.

P.O. LINDSAY:

Oh, Cameron. Oh, I'm sorry. Gees, I made a mistake already. Anyway, you've been here awhile. And I know Vivian is a staunch advocate of the environment, of women's issues, and issues of •• that are important to our citizens that have Hispanic heritage. And it's my absolute pleasure to second the nomination of Vivian Vilorina •Fisher for Deputy Presiding Officer. Are there any other nominations? Okay. Henry, you want to call the roll?

MR. BARTON:

Certainly.

(Roll Called by Mr. Barton)

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Respectfully abstain.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D' AMARO:

Yes.

MR. BARTON:

16, 2 abstentions.

LEG. CARACAPPA:

Henry, change my vote to a yes, please.

LEG. ROMAINE:

And I'll likewise change my vote to a yes.

MR. BARTON:

It's now unanimous, 18.

[APPLAUSE]

***[LEGISLATOR VIVIAN•VILORIA FISHER WAS SWORN IN AS
DEPUTY PRESIDING OFFICER BY THE HONORABLE ANDREW
CRECCA]***

JUDGE CRECCA:

Congratulations.

[APPLAUSE]

P.O. LINDSAY:

Okay, moving right along. Next order of business on the agenda is adopting the Rules of the County Legislature. I believe that the

proposed rule changes have been delivered to each and every Legislator, and I •• and I recognize Legislator Cooper for the purpose of making a motion.

LEG. COOPER:

And I would like to make a motion to adopt the Rules of the Suffolk Legislature.

P.O. LINDSAY:

You're going to second it, Vivian?

LEG. VILORIA • FISHER:

Second.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

On the motion, Mr. Chairman.

P.O. LINDSAY:

On the motion, I recognize Legislator Caracappa.

LEG. CARACAPPA:

Thank you. If we could just go over the changes quickly, because one of them is substantial in the changing of what we have done in the past year by way of sense resolutions. There aren't many changes to the rules as there were last year. So if you can explain to me how the sense resolutions would work, because it looks like you're permitting some, but some are being eliminated. So if you could just explain it to me a little bit better, I'd appreciate it.

P.O. LINDSAY:

I will try my best. What we are trying to do is eliminate sense resolutions, but not Memorializing Resolutions. If there is pending legislation and we want to take a stand on it either pro or con, that will still be permissible under the rules, but a general sense resolution that doesn't apply to specific legislation would not be appropriate.

LEG. ROMAINE:

Mr. Chairman.

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

I move to amend the rules to strike any removal of sense resolutions. And if I get a second on that ••

LEG. ALDEN:

Second.

LEG. ROMAINE:

•• motion to amend the rules, I'll explain my reasons why.

LEG. ALDEN:

Second.

LEG. MYSTAL:

On the motion.

LEG. ROMAINE:

Can I explain my reason why?

P.O. LINDSAY:

Yes. You still have the floor.

LEG. MYSTAL:

Bill.

P.O. LINDSAY:

Yeah, I have you down.

LEG. ROMAINE:

I do not believe that this Legislature •• I don't know if this is on or not. I don't believe that this Legislature should in any way diminish its powers. There are many things that happen in this government and this world of ours that this Legislature should speak for the people of Suffolk County. By denying sense resolutions, we curtail our power to speak to those issues. For example, and I hope Assistant Counsel will take note of this, I'm going to put a sense resolution in to ask the State Legislature to amend the powers of the Public Service Commission so that they can have oversight over the fuel adjustment charges that LIPA is putting on us. Right now, that constitutes almost 40% of an electric bill, yet no one has oversight or review of the economic data that goes into that fuel adjustment charge. There is no pending legislation in Albany at the current time. How do we express our view?

Last year, when this Legislature took a stand against Broadwater, they had to do so by hiring Legislative outside counsel. But absent that, if we did not have sense resolutions, we could not express our opinion. I believe sense resolutions are an important method for this Legislature to express its opinion, and any removal of that is a diminution of Legislative power and works to our disadvantage to speak for the residents of Suffolk County. Thank you.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

To Legislator Romaine, I am one of the main proponents of removing sense resolutions out of the Legislature. And the reason why I did, even though there are people here who have served longer than I have as a Legislator, I have been around this Legislature for 18 years, in my 18 years, what I have seen happen with sense resolutions, or what I call "senseless resolution", who serve for the most part to embarrass other Legislators, number one. Number two, having served in many branches of the government of this country, I can tell you absolutely that most sense resolutions that we pass around here wind up in the garbage pile that nobody looks at.

If a Legislator wants to express an opinion and wants to show something of •• to send a message to any other branch of government, you can always call the press, have a press conference in front of the Legislature, you can always go to the representative of that branch that you want to influence. In other words, there are many other ways. You can even pass a petition among us to sign for you to send to that branch of government.

Most of the time sense resolutions are passed to appease or to pander to a particular group. It does serve any purpose into influencing any legislation. I cannot say that we have ever put a sense resolution that anybody looked at and do something about it. Now I am telling you this because I am not •• as a Democrat, there are other people in my caucus who are against it. But I'm telling you that sense resolutions serve for the most part as a way of •• find their way in political fliers during election time, not as good government, and I am, you know, definitely against it.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. I, too, am a proponent to eliminate the sense resolution as we know it in the Suffolk County Legislature. But, on the other hand, I am a strong proponent of the use and the concept of the memorializing resolution. And the difference between the sense resolution and the memorializing resolution is of utmost importance. The sense resolution really does not give this body or really members of the public an opportunity to understand other than a very, very general statement about a particular position, which really in the cases that I have seen has no substance.

The memorializing resolution and the example that you cite, Legislator Romaine, with respect to a law that should be and could be proposed in the Legislature, the memorializing resolution gives myself and other members of the Legislature an opportunity to read substantively a proposed law resolution from another jurisdiction that we as a body want to support. And I think that as Legislators, as representatives of the public, and I know for myself, for the two years that I've been here, I've been frustrated with the lack of specificity, and the lack of ability to read a particular bill before I decide whether or not I want to vote for it or against it.

For instance, no one on this Legislature would be opposed to the concept of doing all we can to protect victims of domestic violence. However, there are sometimes that bills come forward which we read substantively that we say, "Well, we might want to change a particular provision." We might not agree with the substance, even though we agree with the initiative put forward, we may not want to agree with the substance, the language of that particular bill. And

before I think we are asked to vote as members representing the public on a bill, we should know what that bill says.

There are •• there have been few examples, and I think indicated to Legislator Cooper, the one true sense resolution that I believe was a sense resolution was the •• his resolution on the Broadwater, opposition to Broadwater. But there have been too many examples of what Legislator Mystal referred to as senseless resolutions, which in all •• in all reality do not receive the kind of recognition that they should by the entity or the bodies that we send them to simply because we send so many and they are so general. That's why we propose eliminating the sense resolution in this •• in this year's rules and putting the emphasis I think where it belongs, really on the memorializing resolution. I think that is a more responsible way of dealing with the complex issues that face us here in the Legislature and face other bodies and that's why we proposed it.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I would just ask through the Chair, Legislative Counsel, or if somebody else could, maybe either the Chair or someone could give me an answer to this. At one of our last meetings I proposed a sense resolution that asked New York State to look into that surcharge that the MTA is putting on people that have gotten the EZ Pass. What circumstances or what avenue would we have to express that to New York State, or to some other Legislative body or governing body? How could we express ourselves that we are either in favor of some action or against some action if we adopt the rules as proposed?

P.O. LINDSAY:

Do you want me to answer it, Cameron?

LEG. ALDEN:

You know, anybody.

P.O. LINDSAY:

It would have to be connected to some legislation. There would have to be State legislation introduced about that issue for us to adopt a memorializing resolution.

LEG. ALDEN:

So, basically •• because I was asking the State to either adopt a •• okay, thanks.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Thank you. I think I have probably been the biggest proponent of sense resolutions over the past six years, I think I've introduced more than anyone else, but I do have to agree that many of the resolutions have been superfluous, of course none of mine, but many of the other ones have been. But I've seen the value of the sense resolution, not so much in the resolution itself, but in the follow•up to

the sense resolution, and with the example of the anti-Broadwater sense resolution. Following the passage of that resolution, I held a press conference, we did mailings, we had a series of press events, I partnered with local environmental groups, and I used the fact that the Suffolk Legislature is now the highest level of government to come out against Broadwater as the building block, but it went beyond that. Many times, however, a sense resolution is passed and then the sponsor forgets about it and moves on, and it basically does become a sense resolution that ends up in the "circular file", either in Washington or Albany.

I •• we had a lot of debate on this within our caucus, and I finally reached a personal conclusion that I would support eliminating the sense resolution for two reasons. Number one, based on the expectation that we can try placing a greater reliance on memorializing resolutions •• actually, some of the sense resolutions, upon reflection, were better off being called memorializing resolutions. I think they were really misnamed. But, number two, this will be a trial period for one year. And there have been occasions where we have gotten bogged down in debate, sometimes prolonged debate, on a sense resolution that has no legal •• direct legal impact. So, as the heretofore biggest proponent of sense resolutions, I'm going to support this rule change to eliminate sense resolutions for this coming year.

P.O. LINDSAY:

The discussion's getting bogged down on whether •• right now, whether to include them, exclude them from the •• but Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I think the piece that I'd like to add to the debate here is in the thirteen months that I've been here, I've seen sense resolutions that sometimes are questionable. And I agree with Legislator Montano's suggestions regarding the need sometimes to go ahead and actually see the framework for a piece of legislation that we're seeking to support or oppose at whatever level of government. But I'll also agree with Legislator Romaine and say that I wonder if we forfeit some of our ability to speak out on cogent and important issues by limiting ourselves only to supporting legislation that another level of government seeks to enact, and I'll •• we've talked about Broadwater. We all spoke at great length of that. What about the closing of the Moriches Coast Guard Base? What about some of the other issues that we see that we know here as local advocates and representatives that collectively we feel is important to send a message on? It's unfortunate if they wind up in the garbage at another level of government, but we do what we can to try and ferret out the issue and communicate meaningfully at our level. I think that there's a value to them. I believe there's merit.

P.O. LINDSAY:

Anyone else? Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, you spoke earlier in your eloquent remarks about we, the Legislature, being the collective face of Suffolk County. We are, in fact, representative •• representative democracy at work, and this is one tool that we have to speak. And sometimes we need to speak quickly, whether it be Broadwater or the relicensing of Millstone Nuclear Power Plant. This is a voice that we have, and sometimes there is no legislation, and sometimes there may be legislation, but we need to move quickly. And I believe to take away our ability to do sense resolutions is to diminish our collective voice, and really contravenes the •• what you had said earlier about us

being that collective voice of the County. We're shrinking that voice. I think that would be a mistake.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I would just like to echo many of the sentiments made earlier. There have been times where there have been superfluous pieces of legislation put forward for sense resolutions, and individuals have respectfully abstained on those when they have disagreed with them. But there have been many issues, many of which have been cited, and also including the commuter tax for New York City, where a different level of government has acted in a manner that we deem not in the best interest of the residents of our County, and we have, therefore, taken a position to say that we disagree with that. This is a mechanism by which we can do that. I think, despite its flaws, it is a useful mechanism and something that should be continued, so we can have the voice of the 1.5 million residents of Suffolk County heard by other levels of government.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I just have a point of order. Are we going to vote on the individually proposed amendment, or are we going ••

P.O. LINDSAY:

What we're voting •• what we are about to be •• vote on is an amendment proposed by Legislator Romaine that would strike from the proposed rules any reference to eliminating sense resolutions.

LEG. ALDEN:

Because I have two other proposed changes that I'd like to put forward in a little while, but ••

P.O. LINDSAY:

Let's get through this one ••

LEG. ALDEN:

Absolutely.

P.O. LINDSAY:

•• and then I'll entertain any others. Is there anyone else on the issue on the amendment on the sense resolutions? Not hearing any, again, a yes vote would mean that you agree with Legislator Romaine and would strike any reference to removing sense legislation.

MR. BARTON:

Mr. Chairman, I need a second on the motion.

LEG. SCHNEIDERMAN:

Second.

LEG. ALDEN:

I made the second.

LEG. CARACAPPA:

Legislator Alden was the second.

MR. BARTON:

Thank you.

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Did I hear a ••

LEG. SCHNEIDERMAN:

Roll call, please.

P.O. LINDSAY:

- request for a roll call?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Okay. Roll call, Henry.

MR. BARTON:

On the motion to an amend.

(Roll Called by Mr. Barton)

LEG. ROMAINE:

Yes.

LEG. ALDEN:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

(Not Present)

LEG. STERN:

No.

LEG. D' AMARO:

No.

LEG. COOPER:

No.

LEG. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

MR. BARTON:

Legislator Mystal (Not Present). Eight.

P.O. LINDSAY:

The proposed amendment fails. I recognize Legislator Alden for other discussions about the proposed rules.

LEG. ALDEN:

I'd like to make or propose an amendment that would actually restore the ability to hold the public hearings in committee. I think that it streamlined the meetings to a certain extent, the full Legislative body meetings, but it also accomplished this. If that Legislature (sic) is going to be discussed in committee, it seems like a logical place to hold the public hearing, so that the public can come right to one place, not be confused going all over the place. But, also, it allows the Legislature to move quickly on that legislation, if they so desire. So, for instance, if a piece of legislation is proposed, you hold the public hearing on it in committee, you can close that public hearing, and you can actually vote it out of committee at that point and get it before the full Legislative body. So, for that reason, I would propose that amendment that would allow public hearings to be held in committee.

P.O. LINDSAY:

Do we have a second to ••

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. I recognize Legislator Nowick.

LEG. NOWICK:

Yes, I would agree with Legislator Alden. Having been to committee meetings where there were no public hearings and all the public hearings were at the regular meetings, I would have •• to the new Legislators, just so you know, that those public hearings go on and on and on at 2:30 in the afternoon. And many of our constituents or the citizens of Suffolk County, if they want to be heard at a public hearing and it is held at the regular meeting, they could be there for hours to be heard. Many times they can't stay that long, so they must leave the public hearing and they never did get to get their voice across.

I think it's fair to our citizens of Suffolk County to keep these public hearings in a committee meeting, to condense them, to •• for people that have something to say about a certain resolution. It's more •• more appropriate for them to come to a committee meeting. They know they will have an opportunity to speak what they have to speak. They know there's a time constraint.

And, also, everybody in the committee, or supposed to be, every member of the committee should be there at a committee meeting.

Sometimes at 2:30 in the afternoon we don't have all the Legislators there. And it's not fair to the public because they're not being heard by the Legislators. So I would go along with Legislator Alden and I would encourage everybody here to keep those public hearings where the public actually gets the time to speak their minds.

P.O. LINDSAY:

Before we go on with the debate, there's an awful lot of chatter coming from the lobby. I'd ask the Deputy Sheriffs to close the doors. Some people are leaving. If you would like to come in, there is some seats freeing up, anybody standing in the back. Okay.
Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. In consideration of the public, it's important, I think imperative that we have public hearings at the full Legislative meeting. During the past year, when public hearings have been held during committee meetings, I have often sat at the General Meeting and have not been aware of the variety of arguments that had been posited posited during the committee meetings because the public hearings had been held there.

Let's not forget that in order to rise to the level of requiring a public hearing, the matter being discussed is •• needs to be a Local Law, which requires a public hearing. That constitutes a more important issue to be considered by us. Therefore, all of us should be privy to all of the arguments involved, and all of the public comments that are made by the members of the public, so that all 18 Legislators have the opportunity to hear those arguments and deliberate based on the arguments that are posed by members of the public. It's very important that we have the public hearing at the General Meetings.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Legislator Vioria•Fisher actually just made most of the points I was going make. I do •• even though I'm all for shortening Legislative meetings, I think it is much more important, considering that public hearing is only held for a Local Law. Local Laws are important measures that we are considering. And I agree that it's very important for all 18 Legislators to hear all the arguments, pro and con, before they cast their vote. But more than that, speaking on behalf of the public, I think that the average citizen that's coming out to Hauppauge or Riverhead to address us would rather come out, take the time away, perhaps from their work or family, and address all 18 Legislators than come out and address only four or five of us, and then perhaps have to come out a second time to address the full body. So I actually think it would be more efficient for us to eliminate the possibility of having public hearings at committee. I think it would make for a better deliberative process at the horseshoe, and I think it would better serve the public.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Yeah. A point of personal privilege. I understand I just missed the vote. Some of you may not know it, I had back surgery, so, from time to time, I have to get up and walk around the building, and I guess in my walking around the building I missed the vote.

But on the sense resolution, the •• on the other part of it, in terms of the full committee, I know many, many times Legislator Montano and I, we have sat down and looked absolutely baffled and confused because we have no understanding whatsoever what's going on in terms of a piece of legislation, because the public hearing was held when we were not there. Then we have to hear from secondhand and thirdhand, and we interpreted, and miss sometime, misinterpreted by other Legislators as to what the bill is all about, instead of listening to the person who is speaking for or against the bill. I know it is •• sometimes it makes the meetings longer, and Joe has done a very good job in keeping the meetings short. And I remember sometimes when we have been here from 9 o'clock in the morning until 4 o'clock the next morning because we have some •• and it makes it •• makes our job a little harder. But it also makes us do our job better, because we are better informed as Legislators if we can hear the argument in person and asked the questions that we want to ask of the person who's speaking for or against a certain bill.

To make the committee the prime setting for a hearing, especially when you have sometimes five Legislators on a committee, is robbing us of the knowledge that we need to make very, very important decisions that are going to rule the lives of people in this County. So I don't think we should, you know, have it in the committees, we should bring it back to the •• it will make it longer. It will give us more opportunity to pander, more opportunity to pose for the cameras, it will do that, but, at the same time, it would also make us better Legislators.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I just want to point out two things, and the first is, I could buy either side of the argument, but I would just hope that if we don't modify it, like I've just suggested, that some people would actually join me in sitting there, because in the eight years that I've been here, we've averaged about six or seven, eight people at the public hearings. A lot of Legislators just don't get back from lunch.

So, having said that, on the other part of it, you do make a perfect argument for actually eliminating the committees, which I've been a proponent of for eight years, and just have everything go to the Legislative body, because the same argument can be made, that I don't hear the argument if I'm •• say I'm not on Public Safety and there's a piece of resolution that •• introduced that would deal with public safety, I don't hear the arguments, pro, con, to change it, to do anything, yet I'm asked to vote on it. So the same argument on any piece of legislation would hold, and if •• really, if we would consider actually eliminating the committee cycle, I think that we'd be better off, because then every piece of legislation would be introduced to the full Legislative body, all of us could hear the arguments, pro, con, and all of us could vote on it then.

P.O. LINDSAY:

Legislator Kennedy.

LEG. MYSTAL:

I just wanted to answer for one moment, if I can. For one minute?

P.O. LINDSAY:

I'll put you down.

LEG. MYSTAL:

Again.

LEG. KENNEDY:

I would speak in favor of the meetings •• the public hearings in the committee meetings, if for no other reason other than to again point to the fact that we can go through some of the substantive comment that's associated with whatever the issue is that the resolution addresses, and that parties who feel strongly about communicating with us as a body do have that option to come forward on the General Meeting during the public portion. Now granted, they may only be limited to three minutes during that public portion comment, but there's been occasion where one of us may have had the opportunity to try to ferret out some other information. I think in the committee meeting itself, in my understanding of the committees, that I've been with, again, for thirteen months is that the substantive nuts and bolts of ferreting out a piece of legislation, and its legitimacy and what its impact is going to be is done in the committee. If we're looking to strip out that public input aspect of it, to me, it seems that it really diminishes our roles within the committees. So I'd speak in favor of the public hearings in the committees.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Just to answer Legislator Kennedy, it does not preclude those who want to speak to the committee not to come to the committee. The Committee Chair can call and can put out any kind of information that he or she wants to invite anybody who wants to speak for or against the particular bill. It does not preclude them from coming to the committee. We want is to make sure that everybody hears the argument during the •• to the full body. One of the proposals, and I'm still going to work on maybe for next year, is to have two days committee, but •• two days of meeting, one for committee and one for voting, but that hasn't gone through my caucus yet, so ••

LEG. NOWICK:

Oh, Jesus.

LEG. MYSTAL:

I know. Lynne said, "Oh, Jesus." But to •• that's for Legislator Alden in terms of, you know, elimination of the committees. We can have anybody we want in the committee to come and speak. Anybody who wants to address the committee at the time that the committee is being held is allowed to come in and present their views. It's just a question of we would like everybody to hear it at the time that we are going to vote on something.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you, Mr. Presiding Officer. I think Legislator Alden and Legislator Kennedy make some very good points, and I will •• I'll

bring up the additional point of the Environmental Trust Review Board, which, as Chairman of the Environment, Planning and Agriculture Committee for the past 20•odd months, I was a designated representative to. The charge of the Environmental Trust Review Board was to help streamline the land acquisition process, and to that end it was a great success, working with the Executive Branch of government and with the Legislature branch of government. It was incumbent upon me as Chairman of that Committee to bring back to the Environment Committee and to this body as a whole the findings of the Environmental Trust Review Board and make them comfortable with those findings. And, in fact, that was done in executive session without even the input from the public. I think it does help streamline the process, and I think it's a very important part of the functioning of the Legislative branch of government is the committee process.

You are right, anyone can come to committee, but the reason when the Chairman, be it of the committee or of this body, asked the Clerk, "Are the publications in order," there are public announcements made and publications made county•wide for public hearings, so that individuals, regardless of whether it is at committee or at the General Meeting, have the opportunity to come, those who may not even know that they have an interest until they see that public announcement. It is open to all the residents of the County. So I do not think that the Chairman of the committee necessarily has that ability to do that himself, that individuals who may want to come and speak before that committee need to have that publication done as part of a formal public hearing process. That is not to say we should not do any public hearings in the General Meeting, but I think it has its place having them in committee, and I think it has served us very well for the past two years.

LEG. ROMAINE:

Call the question. Thank you.

P.O. LINDSAY:

I think we only have one more on the list, Legislator Nowick. If we permit her to speak ••

LEG. NOWICK:

Yeah.

P.O. LINDSAY:

•• we can move on ••

LEG. NOWICK:

Yeah, I was actually ••

P.O. LINDSAY:

•• before all the food is eaten outside.

LEG. NOWICK:

Legislator Losquadro has said most of what I wanted to say, but I just wanted to add that I was under the impression that it was the committee who was entrusted with the decision of whether or not a piece of legislation should go on to the full body, and this is a way for the committee to hear the public. If anybody in this Legislature is interested in a law where there are public hearings, we certainly have

very, very well qualified Aides that can go to the committees, that can come back to us with information. Basically, I still believe that the committee is the right place for the public hearings. Thank you.

P.O. LINDSAY:

Okay. The proposed amendment before us would strike any reference to public hearings being only held at General Meetings. It would still allow the practice, if it passed, of having it at committee meetings. Would you call the roll, Henry?

MR. BARTON:

Yes.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

LEG. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

MR. BARTON:

Six.

P.O. LINDSAY:

Okay. Is there any other proposed amendments? I recognize Legislator Romaine.

LEG. ROMAINE:

Yes. I move to amend Rule 6(B)1, striking three•fourths to a majority. This is a rule that ••

LEG. LOSQUADRO:

Page 8?

LEG. ROMAINE:

Yes, it's on Page 9. The body starts on and finishes up on 9.

LEG. ALDEN:

Second the motion.

LEG. ROMAINE:

This is a rule that requires the Budget and Finance Committee for any motion to amend the budget for a three•fourths vote. Again, I'm

opposing this for the same reason I introduced the other amendment. This is a diminution of Legislative powers. It weakens the Legislature. As you know, this Legislature has restricted itself to only amending the budget four times a year. The County Executive can amend it every day of the week, if he chooses, and present that amendment. We have limited ourselves to four time a year. Now we're saying, in a committee, you're now going to require a three •fourths vote before that amendment even sees the light of day. It should be a majority vote. My amendment is to strike the three •fourths and to make it a majority, so that voices can be heard, so that the minority is not repressed as it was on the sense resolutions, and so that our voices can be heard, and we do not weaken our Legislative powers when it comes to amending the budget, and I so move.

LEG. CARACAPPA:

Mr. Chairman.

P.O. LINDSAY:

Is there a second?

LEG. ALDEN:

I second it.

LEG. SCHNEIDERMAN:

I'll second it.

P.O. LINDSAY:

Second, Legislator Alden.

LEG. CARACAPPA:

On the motion.

P.O. LINDSAY:

Just a point of privilege of the Chair, is that isn't being changed in the existing rules, that has been in the rules.

LEG. ROMAINE:

I understand that, Mr. Chairman.

P.O. LINDSAY:

Okay, okay. Thank.

LEG. ROMAINE:

I think it weakens the Legislature as a whole ••

P.O. LINDSAY:

Thank you.

LEG. ROMAINE:

•• to keep that rule in effect.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. Just a few short years ago it used to be a unanimous vote of Budget and Finance, and we had that changed to three•quarter for it to be more palatable to getting legislation out of the committee due to the fact that every now and then a member would miss a vote or step out of the room, as it just happened earlier. And there was always the need for having special Budget and Finance meetings at the Legislature during the lunch break. So it used to be unanimous and now it is three•fourths. So I'm •• that has not changed, so I'm going to support the three•fourths as it has been in the past.

P.O. LINDSAY:

Anyone else? Do we have a second to Legislator Romaine's •• Cameron, I'm sorry, I missed it before. If there's no one else who wants to speak on the issue, I guess we'll have a roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ROMAINE:

Yes.

LEG. ALDEN:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D' AMARO:

No.

LEG. COOPER:

Nope.

LEG. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

MR. BARTON:

Six.

P.O. LINDSAY:

Okay. Moving right along. Any other proposed amendments to the rules, or we still have to •• you know, go ahead, Legislator Alden.

LEG. ALDEN:

Just one, that would authorize the Presiding Officer to allow for Minority counsel to be appointed.

P.O. LINDSAY:

Is there a second to that resolution?

LEG. ROMAINE:

I'll second that.

P.O. LINDSAY:

Second by Legislator Romaine. On •• anybody want to speak on that?

LEG. CARACAPPA:

I would just like to know the •• I guess a parliamentary inquiry as it relates to creating such an office. Would it be directly the responsibility of the Presiding Officer to allow that motion and a second to be vote on, or would it be put in the rules, would it be part of the rules where we'd have to change the Charter? Just refresh my memory.

LEG. ALDEN:

I don't believe you have to change the Charter, just that would be part of the rules.

LEG. CARACAPPA:

Okay, thank you.

P.O. LINDSAY:

Do you want an answer from Counsel?

LEG. CARACAPPA:

Counsel, if you don't mind, just so we know what we're voting on here. When you're adding positions to the Legislature, we should know how we're doing it.

P.O. LINDSAY:

Well, the proposal is to add to the rules that ••

LEG. CARACAPPA:

The ability to hire.

P.O. LINDSAY:

That the Presiding Officer would have the ability to hire Minority counsel, if I'm ••

LEG. CARACAPPA:

The Presiding Officer to hire at sole discretion, or the Presiding Officer to allow for a vote from the Minority caucus to hire a Minority legal counsel?

P.O. LINDSAY:

I defer to Legislator Alden.

LEG. ALDEN:

Yeah. It would be to establish the position of Minority counsel to be appointed out of the Legislature •• the Minority caucus.

LEG. MONTANO:

Question.

P.O. LINDSAY:

I think Legislator Mystal wants to talk, but he's not in his chair.

LEG. MYSTAL:

I'm right here.

P.O. LINDSAY:

Do we have •• you want to speak? I'm sorry.

MR. MONTANO:

Yeah.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Well, point of inquiry. We're here discussing the rules. It would seem to me that this would be a matter that would be taken up at a

different time, because, first of all, I think we would have to appropriate a position, we'd have to amend the budget. I'm not quite sure how this debate over the selection of a Minority counsel fits into a discussion of the rules of the Legislature that we're going to follow this year. Counsel, do you ••

LEG. VILORIA • FISHER:

I'm not finding it in the rules.

LEG. MONTANO:

I don't think that this particular item is something that would pertain to the rules of the Legislature. That's a separate budgetary item, which I think, if you want to propose, we could take that up at a later time. I think it would require some kind of amendment to the budget, because, at this point, we don't have a position allocated, budgeted for 2006 that has the title "Counsel to the Minority Caucus". If somebody would answer that, either Counsel or Budget Review.

MS. VIZZINI:

I would defer to Counsel in terms of the appropriateness of amending the rules for this matter, but whether you amend the rules now or you look to achieve the same objective, you would have to do a budget amendment to either create a position and, ergo, abolish another, unless you would go to the route of earmarking an existing position, if it's the prerogative of the Presiding Officer and in the rules.

MR. MONTANO:

Thank you. With that said, then I would move, or I would request that we postpone this debate for a later time and an appropriate forum, if you would, you know ••

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Through the Chair, Legislator Alden, could you repeat what you are asking for again? I don't think anybody understands what you're asking for.

LEG. ALDEN:

Amend the rules to allow for the appointment of Minority counsel.

LEG. MYSTAL:

Do you think we have to change the Charter to do that?

LEG. ALDEN:

Suffolk County Charter?

LEG. MYSTAL:

Yeah.

LEG. ALDEN:

No, because ••

LEG. MYSTAL:

In the appointment itself, see, one thing is to hire somebody, which is a simple hiring, the other one is to appoint it where the body will vote on it, that's an appointment. If we're appointing somebody, I think we would have to change something in the Charter.

LEG. ALDEN:

Our rules govern the way we conduct business, and that's why we're adopting rules today. So what I'm proposing is to just change the way that our rules read to allow for a Minority counsel to be appointed.

MR. MONTANO:

Mr. Presiding Officer.

P.O. LINDSAY:

Yeah, I'll recognize you in a minute, but I just want to chime in. I think if Legislator Alden's amendments to the rules is approved, I think that would be a first step, and you'd have to find the appropriate •• appropriation to hire someone, and whatever, so it isn't an automatic. But if the amendment to the rules fails, then of course the process would stop.

LEG. CARACAPPA:

Mr. Chairman, just one more point of clarification. This body has the ability to amend our rules any time during the calendar year, so if the amendment fails today, we could always take it up by way of the rule change itself in the future when we have a better understanding of what route we must take by way of budgetary matters to make this happen.

P.O. LINDSAY:

Thank you, Legislator Caracappa. Legislator Montano, you still •• you want to say something?

LEG. MONTANO:

No. I'll withdraw the request.

P.O. LINDSAY:

Okay. Henry, we have an appropriate motion and a second?

MR. BARTON:

Yes, sir.

P.O. LINDSAY:

Okay. Could •• roll call.

(Roll Called by Mr. Barton)

LEG. ALDEN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Sure.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D' AMARO:

No.

LEG. COOPER:

No.

LEG. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

MR. BARTON:

Seven.

P.O. LINDSAY:

Okay. Any other proposed amendments to the rules? Seeing none, I will make a motion to adopt the proposed rules as distributed.

LEG. VILORIA • FISHER:

We have that already.

P.O. LINDSAY:

We have that already. Okay.

LEG. VILORIA • FISHER:

And a second.

P.O. LINDSAY:

And a second. Roll call.

(Roll Called by Mr. Barton)

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Pass.

LEG. LOSQUADRO:

Abstain.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Abstain.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D' AMARO:

Yes.

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

Yes.

MR. BARTON:

15.

P.O. LINDSAY:

Okay. Moving right along. Okay. We're up to appointing the Clerk of the Legislature. Do I have a motion?

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

I recognize Legislator Eddington.

Yes note/note.

LEG. EDDINGTON:

Thank you, Mr. Presiding Officer Lindsay. I'd like to make the motion to ••

P.O. LINDSAY:

Turn on your mike.

LEG. EDDINGTON:

Okay. Thank you, Presiding Officer Lindsay. I'd like to make the motion to adopt the resolution for the Clerk of the Suffolk County Legislature.

LEG. CARACAPPA:

The name?

LEG. EDDINGTON:

Tim Laube.

P.O. LINDSAY:

And I recognize Legislator D'Amaro for the seconding.

LEG. D' AMARO:

Yes. Mr. Presiding Officer, I'd like to second the motion, nominating Tim Laube to the Clerk of the Legislature position.

P.O. LINDSAY:

Are there any other nominations? Are there any comments on the proposed motion?

LEG. CARACAPPA:

I do have just one question of the nominee ••

P.O. LINDSAY:

Sure, sure.

LEG. CARACAPPA:

•• Mr. Chairman. Tim, in your resume it states that you are a Trustee in the Village of Westhampton Beach.

MR. LAUBE:

That is correct.

LEG. CARACAPPA:

You're a Deputy Mayor as well?

MR. LAUBE:

Yes.

LEG. CARACAPPA:

Collect a salary for that position, or either one of them?

MR. LAUBE:

It's fifty•four hundred dollars a year.

LEG. CARACAPPA:

And you intend to continue to collect that salary as the Clerk of the Legislature?

MR. LAUBE:

Yes, I do.

LEG. CARACAPPA:

Thank you. That's all.

P.O. LINDSAY:

Any other comments, suggestions?

LEG. SCHNEIDERMAN:

Just ••

P.O. LINDSAY:

You want a roll call, or you want to just ••

LEG. SCHNEIDERMAN:

I just wanted an opinion of Counsel. Is that •• is that perfectly legal

to collect twice, because the Clerk is a full•time position, as I understand it.

MR. BARRY:

Yes, those offices are compatible.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Let's see if we can do a hand vote, huh? Or does anybody want a roll call?

LEG. NOWICK:

I want to say something.

P.O. LINDSAY:

Sure.

LEG. NOWICK:

I don't know if this is the appropriate time, but I would like to comment and thank Henry Barton for all that you have done for this Legislature. You are indeed a class act and I certainly enjoyed

working with you. And I thank you for all that you've done for all of us, and myself especially. Thank you.

MR. BARTON:

Thank you.

(APPLAUSE)

P.O. LINDSAY:

Okay. Legislator Romaine?

LEG. ROMAINE:

I just want to add my congratulations to Henry on a job well done. To Ilona and to Sandy, you've done a great job in the Clerk's Office, because I've worked with you. And I've read the resumes that the Majority has put forward for •• to replace you, and they all seem to be qualified. I would only ask them to serve in the same spirit that the three of you have served in directing the Clerk's Office, and to serve all Legislators equally, fairly, and without prejudice. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I'd like to join in and thank Henry for his service. It truly seemed bipartisan or without the color of political party that you've served in there. Sandy did a great job. And also, Ilona, thank you for all your years that you've put in in the Clerk's Office. You did a great job.

(APPLAUSE)

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

I'm losing three great friends. The vagaries of politics somehow touch all of us and right now it's touching you guys. I've been working with you guys for a long time, and you have done a great job, nonpartisan, and that in Suffolk County is a measure of your professionalism, and a measure of your friendship to all of us. Thank you very much. I appreciate it.

(APPLAUSE)

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I've been here only two years, but I think you all know how I feel

about you. We wish you the best. You have truly been in the two years I've been here and your relationship with me has been outstanding, above politics, professional. There is only the best that we wish for you, bipartisan, in the future. And we're sad to see you go, but I think we all understand, you know, what has happened here in Suffolk County, and we just want to thank you. And that goes for everyone that's worked with you over the years, and God bless you.

(APPLAUSE)

LEG. SCHNEIDERMAN:

Bill.

P.O. LINDSAY:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I want to just echo the sentiments of my colleagues. Henry, you've been nothing but professional. It's been a real pleasure working with you. You've done an excellent job as Clerk and I'm sorry to see you go. And, of course, Tim coming in as one of my constituents living out on the East End, it's always nice to see somebody from the East End. But, Henry, I'd love to see you stay and we'll miss you.

LEG. MYSTAL:

I think I'm going to vote against him just for that.

P.O. LINDSAY:

Okay. On the motion, we •• Mr. Clerk, we have a motion and a second.

MR. BARTON:

Yes, we do.

P.O. LINDSAY:

I'm going to try a hand vote. All in favor? Do you have it, Henry?

MR. BARTON:

No, I don't. Is anybody •• any opposition? It would help.

LEG. SCHNEIDERMAN:

Any opposed? That's all. It's unanimous.

LEG. CARACAPPA:

Have the opposition raise their hands.

LEG. ROMAINE:

Any opposition?

P.O. LINDSAY:

Opposed?

LEG. MYSTAL:

I say, that is easier to do than roll call.

MR. BARTON:

18.

MR. LAUBE:

Thank you.

LEG. CARACAPPA:

Congratulations, Tim.

P.O. LINDSAY:

Thank you, Time.

(APPLAUSE)

[TIM LAUBE WAS GIVEN THE OATH OF OFFICE AS CLERK OF THE SUFFOLK COUNTY LEGISLATURE BY ACTING SUFFOLK COUNTY CLERK, JUDY PASCALE]

(APPLAUSE)

P.O. LINDSAY:

The next order of business is the appointment of the Chief Deputy Clerk of the County Legislature, and I recognize Legislator Montano for the purpose of a motion.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. I would like to move the appointment of the Chief Deputy Clerk of the Suffolk County Legislature, Renee L. Ortiz. Renee not only is a constituent, she is a remarkable young woman. She and I have had the pleasure of working together. She was my Chief Principal Aide for all of two weeks, until the County Executive offered her the position as his Special Assistant for Minority Affairs. It's a pleasure to welcome Renee back to the Legislature where she started her career in government, working for former Presiding Officer Maxine Postal. I move the appointment of Renee Ortiz to this position.

P.O. LINDSAY:

I recognize Legislator Browning for the purpose of a second.

LEG. BROWNING:

I'll second that motion.

P.O. LINDSAY:

Thank you. On the issue, anybody? Yes, Legislator Mystal.

LEG. MYSTAL:

You know I have to say something about Renee. I usually call her Rosie. I always forget her name. And this is the statement of this County and has nothing to do with anything personal, it's a statement of this County. I think about 18 years ago I walked into this Legislature, and I think I was the first dark face to walk here as a minority, and it has taken 18 years, almost, to have somebody in the position in the staff of the Legislature, in the position of consequence. This is nothing •• this has nothing to do with the predecessors of the County Legislature, of the Clerk, it has to do with representing and showing this County that we are all inclusive. There are people of quality and people of talent out there who can do the job and they should be given the opportunity to prove themselves, and in that sense, I welcome Ms. Ortiz to this table.

P.O. LINDSAY:

Yes, I recognize Legislator Cooper.

LEG. COOPER:

Although I understand the sentiment of Legislator Mystal, I want to say that I'm going to be supporting Renee Ortiz, because I feel that she's the best qualified position •• person for this position, not simply because of her ethnic background. Thank you.

P.O. LINDSAY:

Nobody else? We have a motion and a second. All in favor?
Opposed? Any opposition?

MR. LAUBE:

18.

P.O. LINDSAY:

Thank you very much. Congratulations.

(APPLAUSE)

Renee, please come forward for the oath of office.

***[RENEE ORTIZ WAS GIVEN THE OATH OF OFFICE OF CHIEF
DEPUTY CLERK OF THE SUFFOLK COUNTY LEGISLATURE BY
ACTING SUFFOLK COUNTY CLERK, JUDY PASCALE]***

(APPLAUSE)

P.O. LINDSAY:

Okay. The next order of business is appointing the Deputy Clerk of the County Legislature, and I recognize Legislator Stern for that nomination.

LEG. STERN:

Thank you, Mr. Presiding Officer. I would like to make the motion to adopt the resolution appointing Richard K. Baker as Deputy Clerk of the Suffolk County Legislature.

P.O. LINDSAY:

And I recognize Legislator Horsley for purpose of a second.

LEG. HORSLEY:

It would be my pleasure to second the nomination of Richard Baker for the Deputy Clerk.

P.O. LINDSAY:

On the motion? Okay. All in favor? Opposed?

MR. LAUBE:

18.

P.O. LINDSAY:

Unanimous. Any abstentions? Okay. Motion's carried. Rich Baker, please come forward for the office of •• for the oath of office.

(APPLAUSE)

[RICHARD BAKER WAS SWORN IN AS DEPUTY CLERK OF THE SUFFOLK COUNTY LEGISLATURE BY ACTING COUNTY CLERK OF SUFFOLK COUNTY, JUDY PASCALE]

P.O. LINDSAY:

While Rich is signing the big book and the cards, I want to take a moment to personally thank Henry, and Ilona, and Sandy for a wonderful job that they've done. And we •• I know I will miss each and every •• each one of you. And thank you very much, and I wish you the best of luck.

(APPLAUSE)

And I recognize Legislator Fisher for a comment.

LEG. VILORIA • FISHER:

I just wanted to echo that sentiment, and just to thank each one of the three of you, because you've always treated me kindly. I have always felt that it was easy to share a few words with you in the back, and, personally, I will miss you, all three of you. I thank you very much for your warmth and your professionalism.

P.O. LINDSAY:

Thank you. Next order of business is appointing the Counsel to the Legislature, and I would like to take the liberty of making that nomination myself. I put into motion the name of George M. Nolan as the proposed Counsel to the Legislature. And I recognize Legislator Browning for the purpose of seconding.

LEG. BROWNING:

I second you, Bill.

P.O. LINDSAY:

And on the motion. Seeing none, everybody must be getting hungry. Oh, Legislator Romaine.

LEG. ROMAINE:

I just want to •• if this is on, I just want to comment that I served with George Nolan in the Legislature in the '80's, as I did with his brother, Phil. I know George to be an honorable, fair person, but I do •• and I will vote for him, but I do want to raise a flag of caution, particularly in light of the fact that the Minority was denied its opportunity to have Minority counsel, that just the understanding that

when we deal with Counsel, that that is all matters of attorney/client privilege, and matters of confidentiality. I would not want to discuss a resolution with the Counsel and find out that five minutes later Paul Sabatino is drafting a very similar resolution that would be laid on the floor ahead of mine, nor would I want to find out that after a resolution was drafted and passed by this Legislature, that the Executive would veto it on some solid legal grounds that was not brought to our attention by Counsel. I want just raise those concerns. And I will be voting because I do know the character of the man, but I do want to raise those concerns, that we, as a body, Minority and Majority, are protected by our Counsel. Thank you.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Ledge •• through the Chair. Legislator Romaine, I understand your concern, but, you know, it's beginning to bug me, because I've been in the Minority here •• we've been a Minority for 30 years and every time we even approach the subject of having a Minority counsel, we were shut down, derided and shoved off someplace else. Now, all of a sudden, now it becomes a big thing for you to have. And, you know, you said it before and I let it go, but now you keep going on it.

When Paul Sabatino was the counsel and nobody thought we could

replace him because he was irreplaceable, he was the nineteenth, twentieth and twenty-first Legislator, he was worth about four votes. We didn't think we could replace, but then we found Mea Knapp and Mea Knapp did a fantastic job for everybody around the horseshoe, including Democrats. We asked for a Minority counsel, we didn't get one. You got another one, you got two, we didn't get one. We had no say so whatsoever as to who you hired to help Mea out. Now, all of a sudden, it's really important. Why is it so important now that it wasn't important 30 years, 20 years, 10 years, 5 years ago? So, please, give it a rest.

(APPLAUSE)

P.O. LINDSAY:

Legislator Fisher.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. I won't put it quite as bluntly as Legislator Mystal, but I do have to say that in our deliberations, in our discussions with Mr. Nolan, he proved himself to be and demonstrated that he was •• that he's a consummate professional. And as a professional attorney, I believe that he understands the ethical and professional strictures under which he will be working, which is that he will have 18 clients, and that that attorney/client confidentiality will be respected by him and by each one of us. He will •• he also understands that he will be working for the Legislature, that we are his clients, individually and as a body. I believe that casting any kind of doubt on Mr. Nolan's professionalism in understanding what client confidentiality means is inappropriate. And he certainly satisfied any questions I had when we were interviewing very, very qualified attorneys. I feel very confident in supporting the

nomination of Mr. George Nolan as Counsel to the Legislature.

LEG. ROMAINE:

Point of personal privilege.

P.O. LINDSAY:

Go ahead.

LEG. ROMAINE:

Very quickly. One, I said I was going to vote for Mr. Nolan. Two, I spoke of his abilities, which I have a great belief in. And 3, I only mentioned concerns that I have not directly related to Mr. Nolan. I intend to vote for this nominee. I hold him in the highest respect. I served with him. My concern was just to raise those points very clearly, not as it related to Mr. Nolan.

P.O. LINDSAY:

Thank you, Legislator Romaine. Legislator Alden.

LEG. ALDEN:

I just have to put on the record, and I'm probably going to abstain on this •• on this vote, because I think out of everybody at this horseshoe, I'm in kind of a unique position, because one of the last conversations I had with Mr. Nolan was why I shouldn't be a Legislator and his brother should be. So I think that, you know, I

don't think anybody else here has had Legislative Counsel run campaigns against them, and I don't doubt Mr. Nolan's qualifications, I don't doubt his ability to serve in the capacity, and he probably will make a great Legislative Counsel, but I just want to explain why I will be probably abstaining on the vote.

P.O. LINDSAY:

And I appreciate that Legislator Alden. Just for us to find someone in this room that didn't have any prior political experience in campaigns would be very difficult. Legislator Cooper.

LEG. COOPER:

I had no problem at all with the Legislative Counsels that I've worked with over the past six years. I assume that Paul Sabatino was a registered Republican, and I assume the same of Mea Knapp, but I had complete confidence and trust in both of them. They were consummate professionals, a pleasure to deal with. I trusted them implicitly. And I have no doubt that our new Legislative Counsel will uphold those same ideals. I think •• I feel very strongly that we should be constantly looking for ways to save taxpayer dollars and not new ways to spend taxpayer dollars. And we haven't addressed what the fiscal impact would be of having a Minority counsel, but in the 30•year history of Legislature we've never had one. I don't think it's necessary. I didn't think it was necessary in the past, I don't think it's necessary now. There are many ways that I think that the Suffolk Legislature is superior to the Nassau County Legislature, and this is just one of them. They have long had two counsels and I do not think it has served them well. I certainly don't think that it fosters a feeling of bipartisanship and that's something that I want to try to strive for. Thank you.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Yeah. With respect to the comments, Legislator Romaine, it's been a long time since you served in the body, but two years ago, when I was elected to the Minority party, and having served in the Minority party, it was members of your party that had this debate and stifled any, any mention of Minority counsel. So it seems inappropriate, now that the winds have changed, to bring that up.

But, more importantly, with respect to the nominee, and as a fellow attorney, you know, having served with Mea Knapp and counsel, who has done a remarkable job, who has always maintained herself as a true legal professional, to even raise the specter that somehow the appointee that we brought forward would be in any manner acting appropriate or would really need a reminder as to his responsibilities as Counsel and his responsibility to the profession based on his background, based on his experience, based on his respect in the community, in all communities, both •• on both sides of the aisle I think really is unfortunate.

George Nolan is someone that I have known many years. His reputation precedes him. And, you know, it really is •• I go one step further than my colleagues, echo the comments of Legislator Mystal, it just seems not the appropriate time to prejudge or to cast any kind of, or in any manner tarnish the •• or attempt to tarnish the appointment that we brought forward. George Nolan or any attorney that we bring forward would be of the highest caliber, and we would expect, as the Majority party, that our Counsel perform in the manner the same way you would.

LEG. ROMAINE:

Again, point of personal privilege. In no way did my comments cast any aspersions on George Nolan, who I hold in the highest regard, who I intend to vote for. I simply expressed my concerns about the operation of Counsel office. I intend to vote for George Nolan, and I do hold him in the highest regard. I want to make that clear. I hope no one misunderstood what I said by expressing my concerns. Thank you.

P.O. LINDSAY:

Thank you. Last word.

LEG. CARACAPPA:

Yeah, thank you. Hopefully, I could •• I think this is taken way out of context, Legislator Romaine's words. I think the point he was trying to make is as it relates to the point I've made •• I made earlier, and you as the new Presiding Officer made, and that, of course, is the independence of this Legislature, and I think that was the root of his comments and that was it, and not •• and he was very complimentary to the nominee. So I think we should just put this behind us, take it for what it was and have the vote.

P.O. LINDSAY:

Thank you. Okay. We have a motion and a second. All in favor? Opposed?

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

Abstentions? One abstention. Okay.

MR. LAUBE:

17.

P.O. LINDSAY:

Moving right along.

LEG. VILORIA • FISHER:

Wait. Don't we have to have him come up?

P.O. LINDSAY:

Oh, yeah, we have to have Mr. Nolan come up and take the oath of office.

(APPLAUSE)

[MR. GEORGE NOLAN WAS SWORN IN AS COUNSEL TO THE

***SUFFOLK COUNTY LEGISLATURE BY ACTING SUFFOLK COUNTY
CLERK, JUDY PASCALE]***

P.O. LINDSAY:

While Mr. Nolan is signing the big book there, I don't see Miss Knapp here.

[MEA KNAPP ENTERED THE AUDITORIUM]

(APPLAUSE)

I'd like to congratulate Mr. Nolan. And I would like to thank Miss Knapp for her service to this Legislature. She did a wonderful job.

MS. KNAPP:

Thank you.

P.O. LINDSAY:

And I'm sure I'm expressing the feeling of the rest of the Legislature, we wish you well ••

MS. KNAPP:

Thank you.

P.O. LINDSAY:

•• in your future endeavors.

MS. KNAPP:

Thank you.

LEG. VILORIA • FISHER:

Thank you, Mea.

(APPLAUSE)

P.O. LINDSAY:

Okay. We're up to the schedule. We're almost there. I make a motion to adopt the schedule that was passed out.

LEG. VILORIA • FISHER:

Second.

P.O. LINDSAY:

Second, okay.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. SCHNEIDERMAN:

There is a date, November 21st, I think is the date, that I in correspondence have made you aware that is a date that I'm not in the country. Can you explain, have you tried to accommodate that in any way? Is there a reason why that date wasn't shifted?

P.O. LINDSAY:

Yes, we did, but it all has to do with the Operating Budget and time sequences when we can vote on it. And we tried to move it and we couldn't move it. Do you want to ••

LEG. CARACAPPA:

That meeting, the 21st, and I can speak, having set a handful of these myself, that's probably the toughest meeting to change due to the very strict timetable that we're on after we pass our Operating Budget and then dealing with the time frame of the veto overrides. And then, primarily, most important is the •• dealing with setting the levy and having to vote on it that day as well. So it's a very difficult time frame in November that we must adhere to, so I could see why

you've had a difficult time in dealing with the adjustment.

LEG. SCHNEIDERMAN:

It is Thanksgiving week, which for many, you know, who have children, that's a time that they're away. So, you know, as long as you could convince me that all efforts were made, then, you know, if I can't make it, I can't make it. I'll ••

P.O. LINDSAY:

I can assure you that we tried to find another date for that meeting and it was impossible. Legislator Romaine.

LEG. ROMAINE:

Thank you. Quick comment. Probably George and I are the only ones that •• from the last Legislature in the '80's. I see that we're voting on the budget after Election Day. As George and I both know, when we served in the Legislature, we always felt it was important to vote on the budget before Election Day. I just make that point as we consider this calendar. I think it's important to cast your votes prior to any election than after an election. It allows a greater degree of transparency. But I'll just make that comment. I will not oppose this calendar with that understanding that maybe we can take a look at that issue later this year.

P.O. LINDSAY:

Legislator Romaine, there must be something about that chair, because I think, if you dig down deep enough, you'll find a resolution there to change the date.

LEG. ROMAINE:

It's okay, I'm voting for the calendar.

LEG. MYSTAL:

Mr. Presiding Officer, I was just about to make that comment. I thought we lost Caracciolo. The reason why we do it, Ed, is very simple, is that we don't want it involving politics, people doing, you know fliers on election, saying, oh, we voted for this, we voted for that.

LEG. ROMAINE:

God forbid that this Legislature has anything to do with politics.

LEG. MYSTAL:

Oh, no, we don't.

LEG. SCHNEIDERMAN:

It's not an election year, so ••

LEG. MYSTAL:

Let it go.

LEG. SCHNEIDERMAN:

This is not an election year for us, thank God.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I know that we had had some discussions in caucus about the possibility of changing the location of the December 5th meeting from Riverhead to Hauppauge because of concerns that it's the middle of winter and the likelihood of blizzards is greater. And is that something that we decided ••

LEG. NOWICK:

Cancel it.

LEG. COOPER:

Some people may support the concept of having to cancel a Legislative meeting, but I think that it •• or support its proximity to Tanger Outlets. But I think it may be worth considering moving the December 5th meeting to Hauppauge.

P.O. LINDSAY:

When •• if we did that, we would have one less meeting in Riverhead, unless you swap it with another meeting. And the two prior meetings, it was explained to me, because of the backup of Budget Review being here and we were dealing with the Operating

Budget, that it couldn't be one of them, they both had to be here. So we would go to the October meeting and then you would have two back to back in Riverhead. And I'm perfectly open to that, if that's the will of the body.

LEG. COOPER:

I guess the other •• the alternative would ••

LEG. ROMAINE:

Mr. Chairman, the more meetings we have at the County Center of Riverhead, the County Seat, the better.

LEG. ALDEN:

Oh, that's where you live.

LEG. LOSQUADRO:

Mr. Presiding Officer.

LEG. COOPER:

As the Legislator who has to travel the furthest to Riverhead, I would not be adverse to having one fewer in Riverhead, so there.

P.O. LINDSAY:

Through the Chair, Legislator Losquadro.

LEG. LOSQUADRO:

I would just also remind Legislator Cooper that Riverhead, as was pointed out by the Legislator from the First District, is the County Seat and is equidistant from all points in Suffolk County. You happen to represent the point to the far west, but for residents, even in my district, Hauppauge is certainly much further for Legislator Schneiderman and other points east on the North Fork. Riverhead is the point that is equidistant and I wish we had more meetings, that we would do an even split between Hauppauge and Riverhead.

LEG. ROMAINE:

We used to.

LEG. ALDEN:

When is the construction starting in Riverhead?

LEG. ROMAINE:

Never.

P.O. LINDSAY:

I don't know.

LEG. VILORIA • FISHER:

Let's not get sidetracked.

LEG. ALDEN:

Today?

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

I just want to add, coming from Babylon, Riverhead is just fine. Let's move it.

P.O. LINDSAY:

Do we have any motions on the calendar?

LEG. COOPER:

I change my previous comment. I really enjoy driving out to Riverhead. Thank you.

P.O. LINDSAY:

I just love this. You could feel the love.

LEG. VILORIA • FISHER:

Kumbaya.

P.O. LINDSAY:

Okay.

LEG. VILORIA • FISHER:

We have a motion and a second.

P.O. LINDSAY:

We have a motion and a second. All in favor? Opposed?

LEG. SCHNEIDERMAN:

I'm going to abstain because it's hard to vote for a calendar where I know one of the meetings I won't be able to attend.

P.O. LINDSAY:

Okay, that's fine. And one abstention.

MR. LAUBE:

17.

P.O. LINDSAY:

Okay. The next on the agenda is designating depositories pursuant to Section 212 of the New York County Law.

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

We have a motion. Second? Second?

LEG. ALDEN:

I'll second it for purposes ••

P.O. LINDSAY:

Second.

LEG. ALDEN:

But I also have a question.

P.O. LINDSAY:

Go right ahead, Legislator Alden.

LEG. ALDEN:

Are these the same that we're currently using? Are there any additions or deletions?

P.O. LINDSAY:

I'm being told that they are the same, with the exception of the Bridgehampton National Bank as the only addition.

LEG. ALDEN:

Okay. Did we receive any communication that these banks perform satisfactorily and, you know, that type of ••

P.O. LINDSAY:

Yeah. I'm being told that the Treasurer approved this list and recommended Bridgehampton.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

All right?

LEG. ALDEN:

Can this be modified at any time during the year •• course of the year?

P.O. LINDSAY:

I don't believe it can be modified during the year, it's subject to

modification now.

LEG. ALDEN:

Okay. I was just wondering about, you know, like an underperforming type of situation, if it came to our attention during the course of the year, if we could ••

P.O. LINDSAY:

Well, I think it's such a wide variety of banks that the Treasurer has a lot of latitude to move money around to capture the most interest that we can, you know. Any other questions on the depositories? We have a motion and a second. All in favor? Opposed? Any abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay, thank you. Okay. Designating the official County newspaper. Motion by ••

LEG. VILORIA • FISHER:

Lynne Nowick.

P.O. LINDSAY:

Legislator Nowick. Second?

LEG. KENNEDY:

Second.

LEG. VILORIA • FISHER:

Kennedy.

P.O. LINDSAY:

Second by Legislator Kennedy. Any discussion? All in favor?
Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Carried. All right. And then we have designating another official
County newspaper? What, is there two different •• two different bills,
okay. Okay. You'll make a motion?

LEG. COOPER:

Motion to approve.

LEG. VILORIA • FISHER:

I'll make a motion, yes.

P.O. LINDSAY:

Motion ••

LEG. VILORIA • FISHER:

Lynne might want to, it's Smithtown.

LEG. NOWICK:

No.

P.O. LINDSAY:

No. Legislator Cooper makes a motion, seconded by Legislator Fisher. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

And the last batch of designating official local newspapers, I recognize Legislator Browning for that motion.

LEG. BROWNING:

My motion is to accept a resolution to designate the local newspapers.

P.O. LINDSAY:

Okay. Second by Legislator Horsley. All favor?

LEG. ROMAINE:

Point of information.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

I'd just like to know who prepared the list of newspapers and selected them in Resolution 11?

P.O. LINDSAY:

I'm being told it was my recommendation on behalf of the various Legislators in this County.

LEG. ROMAINE:

Thank you, Mr. Chairman.

P.O. LINDSAY:

You're welcome. Okay. We have a packet of late•starters?

LEG. ALDEN:

We've got to call the vote.

P.O. LINDSAY:

Oh, I'm sorry. All in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

Abstention? One opposition.

MR. LAUBE:

17.

P.O. LINDSAY:

Thank you very much, Legislator Alden. I'm getting hungry and I know how you get hungry.

LEG. ALDEN:

Very hungry.

P.O. LINDSAY:

Okay. We have a packet of late•starters. I'll go through them quickly and then we'll be subject to adjournment.

Introductory Resolution 1054 is going to Ways and Means; 1055, to Health and Human Services; 1056, Economic Development, Education and Energy; 1057, Labor, Workforce, Housing •• and Affordable Housing; 1058, Health and Human Services; 1059, Health and Human Services; 1060, Health and Human Services; 1061, Environment; 1062, Public Works and Transportation; 1063, Ways and Means. And there's a public hearing and the date is set for January 17th. 1064 is Ways and Means. And, again, the date for the public hearing is the 17th. 1065, to EPA. And again, the public hearing will be on the 17th. 1066, Public Works. And, again, public hearing on the 17th. And 1067, Public Safety. And is there a public hearing •• yeah, public hearing again on the 17th. If there is no other business of this Legislature ••

LEG. CARACAPPA:

Motion and a second, all in favor.

P.O. LINDSAY:

Motion and second. All in favor?

LEG. ALDEN:

Point of order, though.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

It has to be a motion to waive the rules.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

That's the motion.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

Waive the rules and lay on the table.

P.O. LINDSAY:

Yeah. We have a motion. Do we have a motion to waive the rules?

LEG. D'AMARO:

So moved.

LEG. COOPER:

So moved.

P.O. LINDSAY:

Motion, second.

LEG. MONTANO:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? Carries.

MR. LAUBE:

17. (Not Present: Leg. Romaine)

P.O. LINDSAY:

With that, I'll entertain a motion to adjourn.

LEG. ALDEN:

Second.

LEG. VILORIA • FISHER:

So moved.

[THE MEETING WAS ADJOURNED AT 1:23 P.M.]

_ _ Indicates Spelled Phonetically